THE HONOUABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 18313 of 2007

Date:03-09-2007

Between:

Chapyala Ramreddy ..
PETITIONER

AND

The District Collector, Ranga Reddy District and three others
..
RESPONDENTS

ORDER:

The petitioner seeks a writ of mandamus to declare the proceedings of file No.5320/2004, dated 16.10.2006 on the file of the 3rd respondent, in respect of Sy.Nos.221, 222 and 223 at Bogarum village, Keesara mandal, as illegal and arbitrary.

It is the case of the petitioner that with regard to the division of the joint family property, as per the partition deed, dated 22.06.1980, the individual shareholders are in possession and enjoyment of the same and the partition has become final and the names of the respective parties were entered into the revenue records. That being so, the case of the petitioner is that on an application of the 4th respondent stating that he is in possession and enjoyment of the Sy.Nos.221, 222 and 223 of Bogaram village as per the partition and accordingly requested to correct the records, the said application ought not to have entertained by the third respondent.

Admittedly, the petitioner participated in the enquiry proceedings pursuant to the notice issued by the third respondent, dated 16.10.2006 in proceedings No.B/5320/2004 and the final orders are yet to be passed. In fact, the orders have been reserved and thereafter it was reopened and therefore, the case of the petitioner is that the third respondent has no right or authority to enquire into the matter. I am not inclined to accept the said contention of the learned counsel for the petitioner, as admittedly the enquiry is pending and final orders are yet to be passed. If any orders are passed against law or adverse interest of the petitioner, the petitioner has got right of appeal. Therefore, I am of the opinion that no writ of mandamus can be issued restraining the third respondent from passing of final orders.

Accordingly, the writ petition is dismissed. No costs.

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V.ESWARAIAH, J.

Date:03.09.2007
ccm